

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

SECURITIES AND EXCHANGE COMISSION,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:20-cv-853-TSE-JFA
)	
DANIEL K. BOICE, <i>et al.</i> ,)	
)	
Defendants.)	

RESPONSE IN SUPPORT OF CONSENT MOTION FOR EXTENSION OF TIME

Pursuant to the Court’s November 5, 2020 Order (the “November 5 Order,” Docket No. 24), Federal Rule of Civil Procedure 6(b)(1)(A), and Local Rule 7(G), Relief Defendant Jennifer Mellon (“Relief Defendant”), by and through counsel, submits this response to the November 5 Order respectfully requesting an extension of time, up to and including February 5, 2021, for Relief Defendant to file an Answer or otherwise respond to the complaint in this action. Good cause exists to grant Relief Defendant’s October 29, 2020 Consent Motion (the “Second Consent Motion,”) as set forth below.

1. Relief Defendant was served with the summons and complaint in this action on August 7, 2020. The Court granted Relief Defendant’s first Consent Motion to extend Relief Defendant’s deadline to respond to the complaint to November 6, 2020. (Docket No. 22.) After Relief Defendant filed the Second Consent Motion on October 29, 2020, to further extend her time to respond, the Court instructed Relief Defendant in the November 5 Order to file a responsive pleading showing good cause for such an extension by November 13. (Docket No. 24.)

2. Counsel for Relief Defendant and for Plaintiff Securities and Exchange Commission (the “Commission staff,” together with Relief Defendant, the “parties”) have reached

a preliminary settlement agreement resolving all claims against Relief Defendant.

3. The Commission staff has authority to negotiate potential settlements, but does not have authority to bind the Commission to a settlement. *See* 17 C.F.R. § 202.5(f). That authority lies only with the Commission. Accordingly, prior to Commission approval, any proposed settlement must undergo an extensive internal review process by the staff's Regional Office, various other Divisions within the Commission, and by the Commission itself.

4. The Commission staff is preparing settlement documents for Relief Defendant to execute. Pursuant to the Commission's normal settlement procedures, once the staff receives the executed proposed settlement documents, the Commission staff will submit a formal recommendation to the Commission for its consideration and approval which may take several weeks from receipt of any signed consent.

5. If approved by the Commission, the proposed settlement will obviate the need for further motion practice by Relief Defendant in this action.

6. Given the extensiveness of the Commission's internal review process, Relief Defendant respectfully requests an extension of time until February 5, 2021, adding approximately one month to the Second Consent Motion's original request of January 6, to enable the parties to prepare and execute the requisite settlement documents and for the Commission staff to submit the proposed settlement for review.

7. On or before February 5, 2021, the parties will file Relief Defendant's consent and proposed final judgment, or report to the Court why such documents have not been filed.

8. Relief Defendant requests this extension in good faith and not for the purpose of delay. Plaintiff consents to this request.

9. Accordingly, Relief Defendant respectfully requests that the Court grant its Second Consent Motion to extend the deadline to file an Answer or otherwise respond to the complaint to on or before February 5, 2021. A proposed Order is attached.

Dated: November 13, 2020

Respectfully submitted,

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